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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER	
CHEUNG, VICTOR	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/532,850	GOVENDER, DEVAN	
	Examiner	Art Unit	
	VICTOR CHEUNG	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/03/2006; 12/12/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-32 are drawn to a method for jackpot wagering. However, a process must be tied to another statutory class such as a particular apparatus, or transform underlying subject matter such as an article or materials to a different state or thing for it to be considered statutory under 35 U.S.C. 101. As claimed, neither of these requirements are met with positive recitations, and the process recited is purely a series of steps performed without the use of any particular apparatus.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 16 and 32: Claims 16 and 32 each include the limitation that the predetermined percent of the wager is "preferably about three percent." It is unclear as to what the Applicant intends to claim with the term "preferably;" the claims should use language that clearly describes the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al. (US Patent Application Publication No. 2001/0036857) in view of Parra et al. (US Patent No. 5,839,960).

Re Claims 1-2 and 17-18: Mothwurf et al. disclose a jackpot wagering system and method comprising a player terminal operable by a player to place a wager on a turn of any one of a number of different games of chance (Paragraph 151) each having a corresponding jackpot cycle (Paragraphs 50-61, 149, 170-171), an accumulation facility responsive to placement of the wager to accumulate a portion thereof in an accumulation account (Paragraphs 138-139), and a random event generator corresponding to each one of the number of different games of chance, the random event generator being activatable to randomly select an outcome of the corresponding game of chance being played

from a set of possible outcomes that include a favorable outcome, the occurrence of which causing the player to win a determinable portion of the contents of the accumulation account (Paragraphs 148-151), wherein the system includes a determination facility responsive to placement of the wager to determine the determinable portion of the contents of the accumulation account as a function of a relative size of the wager (Paragraph 42).

However, Mothwurf et al. do not specifically disclose each wager having a maximum limit, and that the determinable portion of the contents of the accumulation account are determined prior to activation of the random event generator.

Parra et al. teach that a wager may include a minimum and maximum limit (Fig. 6), and that the determinable portion of the contents of the accumulation account can be determined prior to activation of the random event generator (Col. 11, Lines 3-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a maximum limit to the wager and to determine the determinable portion of the accumulation account, thereby establishing predetermined rules by which the players of the game must abide, and further entice players to participate in the jackpot by determining the determinable portion of the contents of the accumulation account prior to activation of the random event generator.

7. Claims 3-4 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al. and Parra et al. as applied to claim 1 above, and further in view of Torango (US Patent Application No. 2002/0042297).

Re Claims 3-4 and 19-20: Mothwurf et al. do not specifically disclose that the contents of the accumulation account are denominatable in a base currency which is stronger than or equal to a strongest one of the number of different permissible playing currencies, or that the base currency is a strongest one of the permissible playing currencies.

Torango teaches that the contents of the accumulation account are denominatable in a base currency which is the strongest one of the number of different permissible playing currencies (Paragraphs 222-238, 124).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the contents of the accumulation account denominatable in a base currency which is the strongest one of the number of different permissible playing currencies, thus achieving the predictable result of displaying the contents of the accumulation account in a common currency.

8. Claims 5-11 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al., Parra et al., and Torango as applied to claim 4 above, and further in view of Sarno (US Patent No. 6,024,641).

Re Claims 5 and 21: As discussed with regard to claim 1 above, Parra et al. teach a minimum and maximum limit to the wager (Fig. 6).

However, they do not specifically disclose that the maximum limit of the wager is denominated in the base currency.

Sarno teaches that information may be presented to a player regarding amounts represented in a plurality of different currencies (Col. 6, Lines 31-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the maximum limit of the wager denominated in the base currency, thereby providing the player with information regarding the worth of the maximum limit in a plurality of currencies.

Re Claims 6 and 22: Mothwurf et al. do not specifically disclose a conversion facility instructable to convert a wager made in any one of the different permissible playing currencies to an equivalent wager in the base currency, the conversion facility including a stored spot exchange rate from each one of the different permissible playing currencies to the base currency, the stored spot exchange rates being updatable from time to time.

Torango teaches a conversion facility instructable to convert a wager made in any one of the different permissible playing currencies to an equivalent wager in the base currency (Paragraph 221), the conversion facility including a stored spot exchange rate from each one of the different permissible playing currencies to the base currency, the stored spot exchange rates being updatable from time to time (Paragraph 135).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the conversion facility and the stored spot exchange rate that is updatable from time to time, thus achieving the predictable result of enabling the jackpot system connecting a plurality of currencies to operate under a common currency.

Re Claims 7 and 23: As discussed above, Mothwurf et al., as modified by Parra et al., Torango, and Sarno, teach the limitations of claim 6, including a number of different permissible playing currencies. It is inherent of any wager to be denominatable as an integral number of units or an integral number of fractional units of one of the number of different permissible playing

currencies. For instance, the wager is an integral number of units of the currency that the wager is made in.

Re Claims 8 and 24: Mothwurf et al. disclose that the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of the favorable outcome as increasing with an increasing wager (Paragraph 42).

As discussed above with regard to claim 1, Parra et al. disclose a maximum wager exists.

Thus, Mothwurf et al., in view of Parra et al., disclose the portion as a ratio of the size of the wager to the maximum limit thereof. Because the highest portion is attributed to the maximum wager and the lower portions are attributed to lower wagers, the portion is determined as a ratio of the size of the wager to the maximum limit.

Re Claims 9 and 25: Mothwurf et al. disclose that the determination facility determines the size of the wager as a function of a particular permissible playing currency in which the wager is denominated and a corresponding denomination of the units or fractional units of that playing currency (for example "$1" on a machine; Paragraphs 54, 58).

Re Claims 10 and 26: Mothwurf et al. do not specifically disclose that the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of the favorable outcome as a function of the stored spot exchange rate between the permissible playing currency in which the wager is denominated and the base currency.

Torango teaches that the portion of the contents of the accumulation account that can be won by the player upon the occurrence of the favorable outcome as a function of the stored spot

exchange rate between the permissible playing currency in which the wager is denominated and the base currency (Paragraphs 231-238).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to base portion of the contents of the accumulation account as a function of the stored spot exchange rate between the permissible playing currency in which the wager is denominated and the base currency, thereby providing the player with the portion in a currency that he is able to use.

Re Claims 11 and 27: As discussed with regard to claim 8 above, Mothwurf et al., as modified by Parra et al., disclose that the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of a favorable outcome as a function of at least the size of the wager and the maximum limit thereof.

Mothwurf et al. further disclose that the determination facility determines the portion of the contents of the accumulation account that can be won by the player upon the occurrence of a favorable outcome as a function of the jackpot cycle of the game of chance being played (Paragraph 171; Fig. 7).

9. Claims 12-13 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al., Parra et al., Torango, and Sarno, as applied to claim 11 above, and further in view of Vancura (US Patent No. 7,297,059) and Rodesch et al. (US Patent No. 5,988,638).

Re Claims 12-13 and 28-29: As discussed with regard to claim 8 above, Mothwurf et al., as modified by Parra et al., disclose a ratio of the size of the wager to the maximum limit thereof. Mothwurf et al. further disclose a plurality of jackpot cycles (Paragraphs 50-61, 164-165; Fig. 7).

However, they do not specifically disclose the portion being a product of the ratio and a relative size of the jackpot cycle of the game of chance being played, wherein the relative size of the jackpot cycle of the game being played is a ratio of the jackpot cycle of the game being played to the greatest jackpot cycle of any one of the number of different games of chance.

Vancura teaches that the portion of a jackpot be determined by the product of the ratio of the size of the wager to the maximum limit and the jackpot payout amount (Fig. 4).

Rodesch et al. teach that different jackpot payout amounts are based on a ratio of a jackpot cycle and the greatest jackpot cycle (Col. 7, Lines 45-64; a "777" jackpot has a jackpot cycle that is about 83,000 times larger than a "3 Cherries" jackpot, and the "777" jackpot therefore has a jackpot that is about 83,000 times larger than the "3 Cherries" jackpot).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the portion being a product of the ratio and a relative size of the jackpot cycle of the game of chance being played, wherein the relative size of the jackpot cycle of the game being played is a ratio of the jackpot cycle of the game being played to the greatest jackpot cycle of any one of the number of different games of chance, thereby achieving the predictable result of awarding the player proportionally based on the amount the player wagers and proportionally based on the size and probability of winning the jackpot.

10. Claims 14-15 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al. and Parra et al. as applied to claim 1 above, and further in view of Stupak et al. (US Patent No. 5,851,147).

Re Claims 14-15 and 30-31: Mothwurf et al. disclose a set of possible outcomes of the game of chance having different partially favorable outcomes (Fig. 7).

However, Mothwurf et al. do not specifically disclose each partially favorable outcome causing the player to win a determinable portion of the contents of the accumulation account that is proportionally reduced, in which the reduction in response to the occurrence of a partially favorable outcome of the game of chance being played is proportional to the probability of occurrence of the corresponding outcome.

Stupak et al. teach a set of possible outcomes game of chance being played includes a plurality of different partially favorable outcomes, each partially favorable outcome causing the player to win a determinable portion of the contents of the accumulation account that is proportionally reduced, in which the reduction in response to the occurrence of a partially favorable outcome of the game of chance being played is proportional to the probability of occurrence of the corresponding outcome (Col. 15, Lines 17-49; Col. 4, Line 53-Col. 5, Line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have each partially favorable outcome cause the player to win a determinable portion of the contents of the accumulation account that is proportionally reduced, in which the reduction in response to the occurrence of a partially favorable outcome of the game of chance being played is proportional to the probability of occurrence of the corresponding outcome, thereby rewarding players proportionally for achieving outcomes that are rarely occurring.

11. Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mothwurf et al. and Parra et al. as applied to claim 1 above, and further in view of Vancura et al. (US Patent No. 7,297,059).

Re Claims 16 and 32: Mothwurf et al. disclose the portion of the wager accumulated in the accumulation account by the accumulation facility is a predetermined percentage of the wager (Paragraph 140).

However, Mothwurf et al. do not specifically disclose the percent is three percent.

Vancura et al. disclose the percent is three percent (Col. 1, Lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the percent equal to three percent, thereby achieving the predictable result of funding the accumulation account with a low percent of the wager.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/V. C./
Examiner, Art Unit 3714